IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No. 24646 of 2002

Between:

P. Narasimha Rao, s/o. Saidaiah, Occ: Business,

M/s.Ganga Bhavani Wines, Licence No.301,

Piduguralla, Guntur District.

..... PETITIONER

AND

1. The Government of A.P., Revenue (Excise.III) Department,

Secretariat, Hyderabad, rep.by its Officer on Special Duty.

2. Commissioner, Prohibition and Excise,

Government of A.P., Hyderabad.

3. Prohibition and Excise Superintendent,

Guntur, Guntur District.

4. M/s.Srinivasa Wines, Piduguralla, Guntur District,

rep.by its Licensee Sri Shaik Chinna Mabu,

s/o.Chinna Nasar, r/o.Piduguralla, Guntur District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the 1st respondent in passing G.O.Rt.No.985, Revenue (Excise.III)

Department, dt.7-5-2001 and consequential orders of the 2nd and 3rd respondents in Cr.No.15269/2002/CPE/G2, dt.21-9-2002 and Rc.No.180/2002/B5, dt.30-9-2002 respectively passing orders by restoring the licence of the 4th respondent shop and renewing the same w.e.f. 1-10-2002 to 31-3-2003 as illegal, arbitrary and violative of principles of natural justice and also violative of provisions contemplated under the Excise Act and for a consequential order directing the respondents to suspend the operation of the above orders of the respondents 1 to 3.

Counsel for the Petitioner : MR.CH.DHANAMJAYA

Counsel for Respondent Nos.1 to 3 : GP for Prohibition and Excise

Counsel for Respondent No.4 : MR.MANMADHA RAO KUMBHAJADALA

The Court made the following :

ORDER :

The fourth respondent's licence in Form I.L.24 was cancelled by the Excise Superintendent on the ground that the Prohibition and Excise Inspector, District Task Force, Guntur has found one loose bottle, liquor glasses and chairs in the licensed premises. He preferred a Revision Petition before the Government. It was allowed by the impugned G.O.Rt.No.985 Revenue (Excise-III) Department dated 07.05.2001. The petitioner, who is a rival trader having licence in Form I.L.24 at Piduguralla village in Guntur District, challenged the said Government orders.

This Court while admitting the writ petition issued notice to the respondents. Subsequently, similar writ petitions in W.P.Nos.2679 of 2001 and batch filed impugning the said G.O. were allowed by this Court in **Vishwanatha Ravi Kumar v. Government of A.P.**, and the decision of the learned single Judge was affirmed by a Division Bench. Following the said decision of the learned single Judge, this writ petition ought to be allowed. However, by impugned G.O., the Government permitted the fourth respondent to run the shop. In that view of the matter, nothing survives in this writ petition. Even if the writ petition is allowed or dismissed, the fourth respondent cannot be granted any licence now.

The writ petition, with the above observations, is dismissed as infructuous.

_____

05-07-2005. (V.V.S. RAO, J.)

Msr.

To

1. The Officer on Special Duty, Revenue (Excise.III) Department,

Secretariat, Hyderabad.

2. Commissioner, Prohibition and Excise,

Government of A.P., Hyderabad.

3. Prohibition and Excise Superintendent,

Guntur, Guntur District.

4. 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad.

5 2 CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24646 of 2002

05-07-2005

(Msr)